

Report of the Sign Ordinance Task Force to the Harpswell Board of Selectmen

May 22, 2009

Since its report of January 2008, the Sign Ordinance Task Force was reappointed by the Selectmen for the purpose of further analysis of Harpswell's Sign Ordinance and to develop any additional recommendations for revisions. The ordinance in general was reviewed and given a great deal of study and consideration. The Task Force hereby makes the following recommendation. ^[1]

Summary of Recommendations:

We arrived at our recommendations by polling townspeople and Harpswell business owners through outreach, researching numerous current Sign Ordinances in different Maine towns, and consulting with Harpswell and other Town and State officials and local law enforcement. Our Proposed Sign Ordinance reflects changes we suggest for the sake of:

- *Clarity*
- *Consistency*
- *Enforceability*
- *Emphasis Upon Safety*

Please see the attached Proposed Sign Ordinance with our recommended revisions. We also included 15 pages of attachments which include letters received and a summary of verbal communications from townspeople and businesses on the subject of Harpswell business signs.

By unanimous approval,
Respectfully submitted,

Jennifer VerPlanck, Chair
Cathy Alexander
David Chipman
Michelle Henning

Bold (underscored) = edited/changed

Underscore = added language

Strikethrough = deleted language

HARPSWELL SIGN ORDINANCE

Effective December 9, 1976

Amended March 14, 1998

Amended May 20, 2004

Amended March 13, 2005

Amended March 11, 2006

Amended March 10, 2007

Amended June 12, 2007

Amended March 8, 2008

Amended _____, 2009

1. Preamble and Purpose

It is the intent of this ordinance to reduce roadside hazards and to provide for the safety of the motoring public and pedestrians by regulating the location and use of ~~advertising signs.~~ Harpswell's unique rural character and natural scenic beauty have been considered, taking into account that it is necessary to provide while providing directional information to travelers, and allow for ~~and provide~~ reasonable opportunities for the advertisement of goods, services and other attractions in the Town of Harpswell.

~~The purpose of this Ordinance is to provide for the public safety and promote the general welfare of the Town of Harpswell and to preserve the natural scenic beauty of the Town and its countryside for the enjoyment of all.~~

2. Definitions

2.1 Business refers to any commercial, retail, wholesale, manufacturing, camping or amusement business located on any public or private highway, street or road.

2.2 Directional Signs are signs which provide only directional information.

2.3 Directory Sign refers to a common header-style sign unit, which may include the location name as a header, as well as individual Display Signs all on one sign unit.

2.4 Display Business Advertising Sign is any ~~painted, printed or stenciled~~ advertising device, whether erected on a frame structure or mounted or painted on a building, designed to convey a message identifying or promoting a ~~business~~ an enterprise or place of interest of any kind for public view.

2.5 Highway, Street or Road refers to any public right of way within the limits of the Town of Harpswell.

2.6 Illuminated Sign is any ~~sign~~ ~~business advertising notice~~ lighted with either exterior or integral illumination.

2.7 Maximum Dimension shall mean the longer of either height or width.

2.8 Municipal Officers are the Selectmen or their designees.

2.9 Official Business Directional Sign means a sign erected and maintained in accordance with 23 M.R.S.A. §§1901-1925, as may be amended from time to time to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public and points of scenic, historical, cultural, recreational, educational and religious interest. Other information may be displayed by means of logos authorized pursuant to 23 M.R.S.A. §1910, as may be amended from time to time.

2.10 Private Road refers to a non-public right of way, whether joining a public right of way or not, any part of which has land contiguous to it visible from a public right of way.

2.11 Sign Area shall be determined as the product of the maximum width and maximum height of the display portion of the sign unit and shall not include the mounting structure or frame. If a sign has two sides, only one side of the sign shall be counted when determining the size of a sign. In cases where lettering is attached and no sign board is utilized, or if copy is painted directly on a building, the square footage of a sign shall be calculated by utilizing the proportions of a rectangle which would encompass all portions of the lettering and graphics; the area of this rectangle will be the square footage of the sign. A two-sided sign is considered to be one sign and a multi-part display sign on one unit is considered to be one sign.

2.11 Temporary Sign is a sign not permanently installed in a fixed location.

3. Regulations

3.1 No new, additional or enlarged ~~display advertising~~ sign shall be erected adjacent to any highway, street, road or private road within the Town of Harpswell that is visible to the passing motorist on a public way, except as provided in Section 3.2 and 3.3.

~~3.2 All existing non-conforming display advertising signs now erected along any highway, street, road or private road, and visible from a public way shall be removed not later than December 31, 1977.~~

3.2 The following types of signs require a permit in advance from the Code Enforcement Officer for use in the Town of Harpswell:

3.2.1 Official Business Directional Signs which are approved by the Codes Enforcement Officer. Such signs shall be uniform in size and type of lettering and shall conform to the following specifications. All such signs shall be the following size: width, 48 inches; height, 12 inches. Letter height at least 4 inches and the sign shall be of a design in conformity with Maine Department of Transportation regulations. Directional information only shall be provided on each sign.

3.2.2 Display ~~Business Advertising~~ Signs not over 32 sq. ft. in total aggregate area, with the longest dimension not over 16 ft., ~~and limited to one visible in each direction~~, may be displayed at the ~~owner's place of business~~ entity's location, or on an adjacent property with the property owner's written permission. Signs in this category must meet the following criteria: They must be placed ~~on the lot site of the business~~ at the entity's location, or as specified above, not more than 100 ft. in either direction ~~from said entity's location along the highway from said place of business~~ and must be placed so as not to obstruct the vision of motorists in any direction from the ~~highway~~ public roadway, except as approved by the Municipal Officers and, where applicable, the Maine Department of Transportation.

3.2.2.1 Multiple Display Signs: For those properties where more than one business and/or entity exist, one directory sign shall be used which provides for multiple establishments. For the purposes of this section, such a directory sign may identify or advertise more than one entity at the same location, structure or group of structures, sharing a common point of access from a public way. The following factors apply:

3.2.2.1.1 A single header framework or mounting structure may be placed, with a single, individual display sign allowed for each entity. Such a directory "common header" sign may include the location name as well as the individual signs all on one sign unit. Directory signs must be placed back far enough from the road so as not to obstruct the visibility of motorists.

3.2.2.1.2 The directory "common header" or location area part of sign unit shall not exceed 16 sq. ft. per side.

3.2.2.1.3 Each entity on a multi-business site may have up to 24 sq. ft. of aggregate signage, which includes the area of the directory sign for that entity. Each individual sign on the directory sign should not exceed 8 sq. ft. in area. Extra signage may not be placed along the roadside separate from the directory.

3.2.2.1.4 In the case of a new entity, or an entity relocating to a multi-entity site already housing one or more

establishment, a variance granted by the Municipal
Officers may be required to allow for fair sign
representation and visibility.

3.2.3 Illuminated Signs. Effective December 31, 1977 all signs, if illuminated, must be lighted by light of such intensity and in such manner that they will not be a hazard to motorists' night vision or objectionable to adjacent homeowners. Flashing, rotating ~~and~~ , animated or changing digital lighting is prohibited. Illuminated signs may only be lighted during business hours.

~~3.3.4 Identification Signs. One identification type sign is allowed on the premises of each professional business, church, public institution, or building under construction by a contractor. Such sign shall not exceed 6 square feet in area with one maximum dimension of three feet.~~

3.2.4 Service Club Signs. Each service club and fraternal organization may provide and place a single sign conforming to the requirements of Section 3.3.1 above, except that the emblem may be in color.

3.2.5 Approach Signs. Any business entity whose principal building, or a point of interest, which is located on a private way more than 1,000 feet from the nearest public roadway or is not adequately visible to traffic from such roadway may erect no more than two Approach Signs with a total aggregate surface area not to exceed 32 sq. ft. Highway, Street or Road, or is not visible to traffic from the nearest Highway, Street or Road, may erect no more than 2 approach signs with a total surface area not to exceed 32 square feet per sign. These signs are to be located ~~outside the public right-of-way limits~~ within 300 feet of the junction of the public and private ways, or as approved by the Municipal Officers.

3.2.6 No person, firm or corporation shall erect or place any sign described in Section 3.3 without first obtaining a permit from the Code Enforcement Officer; except that conforming signs already in place as of the effective date of this ordinance under Section 3.3 will be permitted to remain in place. The price of the permit shall be of an amount as established by the Board of Selectmen from time to time.

3.2.7 Existing signs of historic interest which have been in place for 40 years or more prior to the effective date of this ordinance shall not be affected by this ordinance.

3.3 The following types of signs are approved for use without the need for a permit in the Town of Harpswell:

3.3.1 Real Estate Signs. A single freestanding sign not to exceed 5 square feet or a single wall sign not to exceed 3 square feet relating to the sale, rental, or lease of a premise may be displayed on the premise which is available for sale, rent, or lease. If a premise for sale is not visible from a public roadway, one Real Estate Sign is permitted as an approach directional sign for ease of direction or location. Such signs shall not create a safety hazard, and, if erected

on property other than the premises for sale, permission from the property owner of the display site is required.

3.3.2 For Sale Signs. Residential users may display a single temporary sign, not over 4 square feet in area, relating to the goods or services for sale on the premises, if such sale does not constitute a business, home occupation, or yard sale. Examples of sales falling under this provision are the sale of a used vehicle, the sale of a used appliance, or other occasional sales.

3.3.3 Temporary Event Signs. Temporary signs not to exceed 32 square feet, announcing public and semi-public occasional events, candidates, etc. Such signs shall be displayed not more than 2 weeks before the event and shall be removed with 3 days after the event. Temporary event signs shall be free of any other advertisement. Signs established more than 2 weeks prior to the announced event shall be deemed unlawful and are subject to removal under Section 3.6.2

3.3.4 Yard Sale Sign. Signs designating yard sales shall not exceed 4 square feet. Signs shall not obstruct traffic views and shall be removed immediately after the sale has ended.

3.3.5 Religious Service/Civic Organization Meetings Signs. A religious or civic organization may erect no more than 4 signs showing the place and time of services or meetings to be held in Harpswell. No such sign shall exceed 24 inches by 30 inches in size. Such signs shall be located outside of the right of way.

3.3.6 Temporary Display Signs Temporary display signs not to exceed 12 sq. ft. in aggregate may be displayed at the entity location. Such signs shall not be included in the total permitted aggregate Display Sign area of 32 sq. ft. Signs falling into this category may include special promotions, banners, changeable menus, sales, or the like and shall be allowed for the duration of the event, or as approved by the Municipal Officers. Those temporary signs not affixed to a framework, structure or building must be removed outside of operating hours daily.

3.3.7 Extraneous Signs. Signs not herein otherwise identified, such as Enter, Exit, Parking Open, Closed, etc. may be allowed without a permit if less than 144 sq. in. (1 sq. ft.) each and are displayed at an entity's location.

3.3.8 Temporary Construction Signs. Temporary signs are not to exceed 16 square feet and may be displayed only for the duration of the applicable building/project permit issued by the Town, to which such signs pertain.

3.4 Standards

The following standards apply to all new signs in the Town of Harpswell.

3.4.1 No sign shall be placed to exceed 25 feet in height as measured from original grade.

3.4.2 Roof Signs shall not extend more than 10 feet above the roof line.

3.4.3 Except for signs constructed pursuant to Section 3.3.5, all signs shall be setback a minimum of five (5) feet from the edge of the traveled way of any Highway, Street, Road or Private Road.

3.5 Severability

The several sections and subsections of this ordinance are separable and court voidance of any part shall not affect the legality of any other part.

3.6 Enforcement

3.6.1 Any person, including but not limited to a landowner, a landowner's agent, or contractor who orders or conducts any activity in violation of the Town's sign ordinance shall be penalized in accordance with 30-A, M.R.S.A. § 4452, as may be amended from time to time. For purposes of this Section, each day that a violation continues shall be considered a separate offense.

***Citizen's Note:** Current penalties include fines of not less than \$100 nor more than \$2500. Fines may be assessed for each day the violation occurs.*

3.6.2 Removal of Unlawful Signs. The owner of a sign which was or is unlawfully erected or maintained either prior to or after the effective date of this ordinance shall be in violation of this ordinance until the sign is removed. The owner of the sign shall remove the sign within 30 days of receipt of a notice to remove, sent by certified mail, return receipt requested, by the Codes Enforcement Officer. If the identity of such owner is not known or reasonably ascertainable by the Code Enforcement Officer, such notice may instead be sent to the owner of the land on which the sign is placed. If the owner fails to remove the sign as required, the Codes Enforcement Officer, shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner. All removed signs shall be held at the Codes Enforcement Office for a period of 30 days before they are disposed of.

3.6.2.1 Removal of Signs from Right of Way. Notwithstanding the notice to remove provisions of this Section, the Codes Enforcement Officer shall have the authority to immediately remove signs located in the public right of ways that are deemed by the Code Enforcement Officer or the Road Commissioner to constitute a traffic hazard or impede snow removal. In such cases, notification may be after the fact. Notice of removal shall be sent by certified, return receipt requested, by the Codes Enforcement Officer. All removed signs shall be held at the Codes Enforcement Office for a period of 30 days before they are disposed of.

3.7 Nothing permitted or outlined herein shall be construed to relieve the proposed sign owner from Statutory licensing or permit requirements of the State of Maine Department of Transportation prior to erection of any sign permitted under this ordinance.

3.8 Exceptions

Items not specifically addressed herein shall be reviewed by the Municipal Officers.

3.9 Waivers

Items that are addressed by this ordinance but which may result in undue hardship or unusual circumstances based on geography, safety, grandfathering, or practicality may be considered for waiver by the Municipal Officers.

Effective Date

This ordinance will become effective upon its adoption.

The current ordinance was adopted at Special Town Meeting on December 9, 1976.